UNITED STATES PATENT AND TRADEMARK OFFICE

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10/072,963	02/12/2002	Jeffrey Phelan	11908.102H	2255

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EXAMINER
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ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-60_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-60_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _3 & 6_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The arrangement of the disclosed application does not conform with 37 CFR 1.77(b).

Section headings are underlined and appear in lowercase throughout the

disclosed specification.

Section headings should not be <u>underlined</u> and/or **boldfaced** and should appear

in UPPERCASE. Appropriate corrections are required according to the guidelines

provided below:

2. The following guidelines illustrate the preferred layout for the specification of a utility

application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should
include the following sections in order. Each of the lettered items should appear in
upper case, without underlining or bold type, as a section heading. If no text follows the
section heading, the phrase "Not Applicable" should follow the section heading:

  (a) TITLE OF THE INVENTION.
  (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
  (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
        DEVELOPMENT.
  (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A
        COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer
        program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)),
        and tables having more than 50 pages of text are permitted to be
        submitted on compact discs.) or
        REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).
        "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
  (e) BACKGROUND OF THE INVENTION.
        (1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37
CFR 1.97 and 1.98.
(f) BRIEF SUMMARY OF THE INVENTION.
(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(h) DETAILED DESCRIPTION OF THE INVENTION.
(i) CLAIM OR CLAIMS (commencing on a separate sheet).
(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A
"Sequence Listing" is required on paper if the application discloses a
nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if
the required "Sequence Listing" is not submitted as an electronic
document on compact disc).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hancock et al. (U.S. Patent No. 6,202,023) in view of Gershman et al. (U.S. Patent No.

6,199,099).

As to claim 1, Hancock et al. teaches a method (See abstract) comprising:

receiving, through a network, a first set of information (See abstract; column 3,

lines 24-29, where "first set information" is read on "data packet");

assembling a geographic location profile of a user based on the first set of

information (See abstract; column 3, lines 15-22; column 9, lines 48-59);

wherein the geographic location profile of the user includes a geographic location of interest to the user (See abstract; column 3, lines 16-23, lines 52-55), and wherein the geographic location profile of the user and the second set of information are stored on a machine-readable medium (See abstract; column 32, lines 51-54, lines 65-67; column 33 lines 1-11).

Hancock et al. does not teach selecting a second set of information based on the geographic location profile of the user; sending, through the network, the second set of information to a machine to be used by the user.

Gershman et al. teaches a system, method and article of manufacture for a mobile communication network utilizing a distributed communication network (See abstract), in which he teaches selecting a second set of information based on the geographic location profile of the user (See abstract; column 58, lines 37-50); sending, through the network, the second set of information to a machine to be used by the user (See column 58, lines 44-54).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Hancock et al., to include selecting a second set of information based on the geographic location profile of the user; sending, through the network, the second set of information to a machine to be used by the user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hancock et al., by the teachings of Gershman et al. because selecting a second set of information based on the geographic location

profile of the user; sending, through the network, the second set of information to a

machine to be used by the user would allow to efficiently and effectively acquire user-

specific knowledge from the user and utilize it to perform tasks on behalf of the user

(See Gershman et al., column 2, lines 18-25).

As to claims 2, 22 and 42 Hancock et al. as modified, teaches wherein the

second set of information includes information on at least one of news, business,

entertainment, sports, and people (See Hancock et al., column 3, lines 52-55; column

30, lines 2-8; also see Gershman et al., column 58, lines 32-36).

As to claims 3, 23 and 43 Hancock et al. as modified, teaches determining a

geographic location based on the second set of information (See Gershman et al.,

column 58, lines 37-50); appending the geographic location to the second set of

information; and comparing (i) the geographic location profile of the user (See Hancock

et al., abstract; column1, lines 16-20; also see Gershman et al., column 58, lines 37-50)

and (ii) the geographic location appended to the second set of information to select the

second set of information (See Gershman et al., abstract; column 58, lines 37-50);

wherein the processor is configured to: determine a geographic location based on the

second set of information, append the geographic location to the second set of

information (See Gershman et al., column 58, lines 37-50; column 68, lines 21-26), and

compare (i) the geographic location profile of the user (See Hancock et al., abstract;

column1, lines 16-20; also see Gershman et al., column 58, lines 37-50) and (ii) the

geographic location appended to the second set of information to select the second set of information (See <u>Gershman et al.,</u> abstract; column 58, lines 37-50).

As to claims 4, 24 and 44 <u>Hancock et al.</u> as modified, teaches wherein the geographic location appended to the second set of information is used to correlate the second set of information with at least one geographic location (See <u>Hancock et al.,</u> column 9, lines 66-67; column 10, lines 1-11).

As to claims 5, 25 and 45 <u>Hancock et al.</u> as modified, teaches receiving, through the network, a third set of information from the machine, wherein the third set of information is based on the second set of information sent to the machine (See <u>Gershman et al.,</u> column 29, lines 56-67; column 30, lines 1-15; column 58, lines 37-50; column 68, lines 21-26); wherein the receiver is configured to receive, through the network, a third set of information from the machine, and wherein the third set of information is based on the second set of information sent to the machine See <u>Gershman et al.,</u> column 29, lines 56-67; column 30, lines 1-15; column 58, lines 37-50; column 68, lines 21-26).

As to claims 6, 26 and 46 <u>Hancock et al.</u> as modified, teaches selecting a fourth set of information based on the third set of information (See <u>Gershman et al.,</u> column 58, lines 37-50) and sending, through the network, the fourth set of information to the machine, wherein the fourth set of information is stored on the machine-readable

medium (See Hancock et al., column 58, lines 37-54); wherein the machine-readable

medium is configured to store a fourth set of information, wherein the processor is

configured to select the fourth set of information based on the third set of information

(See Gershman et al., column 58, lines 37-50), and wherein the transmitter is

configured to send, through the network, the fourth set of information to the machine

(See Hancock et al., column 58, lines 37-54).

As to claims 7, 27 and 47 Hancock et al. as modified, teaches wherein the

second set of information sent to the machine includes a link for the user to select the

fourth set of information (See Gershman et al., column 36, lines 50-58).

As to claims 8, 28 and 48 Hancock et al. as modified, teaches wherein the fourth

set of information includes information on at least one of news, business, entertainment,

sports, and people (See Gershman et al., column 36, lines 44-58).

As to claims 9, 29 and 49 Hancock et al. as modified, teaches wherein the

geographic location of interest to the user includes at least one of the birthplace,

hometown, high school, college, residence, and physical geographic location of at least

one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family

member, a colleague, a customer and a competitor of the user (See Hancock et al.,

column 3, lines 15-23; column 8, lines 64-65; column 28, lines 24-26, where "residence"

is read on "home").

As to claims 10, 30 and 50 <u>Hancock et al.</u> as modified, teaches wherein the geographic location of interest to the user includes a geographic location nearby at least one of the birthplace, hometown, high school, college, residence, and physical geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (See <u>Gershman et al.,</u> column 31, lines 11-15; column 32, lines 11-14).

As to claims 11, 31 and 51 <u>Hancock et al.</u> as modified, teaches wherein the geographic location of interest to the user includes a zip code of a geographic location of interest to at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (See <u>Hancock et al.,</u> column 32, lines 11-14; also see <u>Gershman et al.,</u> column 31, lines 11-15; column 32, lines 11-14; It is inherent that a "home" address contains a "zip code").

As to claims 12, 32 and 52 <u>Hancock et al.</u> as modified, teaches wherein the geographic location of interest to the user includes a zip code of a geographic location nearby a geographic location of interest to at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (See <u>Hancock et al.,</u> column 32, lines 11-14; also see <u>Gershman</u>

et al., column 31, lines 11-15; column 32, lines 11-14; It is inherent that a "home" address contains a "zip code").

As to claims 13, 33 and 53 <u>Hancock et al.</u> as modified, teaches wherein the first set of information includes information based on at least one of a present and a past geographic location of at least one of (i) the user itself, and (ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer and a competitor of the user (See <u>Hancock et al.</u>, column 32, lines 11-14; also see <u>Gershman et al.</u>, column 31, lines 11-15; column 32, lines 11-14; column 37, lines 25-30; column 38, lines 22-56).

As to claims 14, 34 and 54 <u>Hancock et al.</u> as modified, teaches wherein the first set of information is received from the machine, and wherein the present geographic location of the user is determined by the machine (See <u>Hancock et al.</u>, column 32, lines 11-14; also see <u>Gershman et al.</u>, column 32, lines 11-14; column 37, lines 25-30; column 38, lines 22-56); wherein the receiver is configured to receive the first set of information from the machine, and wherein the machine determines the present geographic location of the user (See <u>Hancock et al.</u>, column 32, lines 11-14; also see <u>Gershman et al.</u>, column 32, lines 11-14; column 37, lines 25-30; column 38, lines 22-56).

As to claims 15, 35 and 55 <u>Hancock et al.</u> as modified, teaches wherein the first set of information is received from a second machine, and wherein the present

geographic location of the user is determined by the second machine (See Gershman et al., column 38, lines 22-56; column 39, lines 6-25); wherein the receiver is configured to receive the first set of information from a second machine, and wherein the second machine determines the present geographic location of the user (See Gershman et al., column 38, lines 22-56; column 39, lines 6-25).

As to claims 16, 36 and 56 Hancock et al. as modified, teaches wherein the second machine includes at least one of a global positioning device and a telecommunication locating device (See Hancock et al., column 2, lines 17-29; column 3, lines 56-51; also see Gershman et al., column 51, lines 32-34; column 58, lines 37-42).

As to claims 17, 37 and 57 Hancock et al. as modified, teaches wherein the first set of information is received from the machine, and wherein the present geographic location of the user is determined by the user itself (See Hancock et al., column 3, lines 16-22); wherein the receiver is configured to receive the first set of information from the machine, and wherein the user determines the present geographic location of itself (See Hancock et al., column 3, lines 16-22).

As to claims 18, 38 and 58 Hancock et al. as modified, teaches wherein the first set of information includes information based on a geographic location nearby at least one of a present and a past geographic location of at least one of (i) the user itself, and

(ii) at least one of a friend, an acquaintance, a family member, a colleague, a customer

and a competitor of the user (See <u>Gershman et al.,</u> column 38, lines 22-56; column 39,

lines 6-25; column 40, lines 1-5).

As to claims 19, 39 and 59 <u>Hancock et al.</u> as modified, teaches selecting a third

set of information based on at least one of (i) the first set of information, (ii) the

geographic location profile of the user, and (iii) the second set of information and

sending, through the network, the third set of information to a second machine, wherein

the third set of information is stored on the machine-readable medium (See <u>Gershman</u>

<u>et al.,</u> column 29, lines 56-67; column 30, lines 1-15; column 58, lines 37-50; column 68,

lines 21-26); wherein the machine-readable medium is configured to store a third set of

information, wherein the processor is configured to select the third set of information

based on at least one of (i) the first set of information, (ii) the geographic location profile

of the user, and (iii) the second set of information, and wherein the transmitter is

configured to send, through the network, the third set of information to a second

machine (See <u>Gershman et al.,</u> column 29, lines 56-67; column 30, lines 1-15; column

58, lines 37-50; column 68, lines 21-26).

As to claims 20, 40 and 60 <u>Hancock et al.</u> as modified, teaches wherein the third

set of information identifies the first mentioned user of the first mentioned machine to a

second user of the second machine (See <u>Hancock et al.,</u> column 9, lines 48-58, lines

66-67; column 10, lines 1-5; <u>Gershman et al.,</u> column 29, lines 56-67; column 30, lines

1-15; column 58, lines 37-50; column 68, lines 21-26).

As to claim 21,<u>Hancock et al.</u> teaches an apparatus (See column 11, lines 9-11)

comprising:

a receiver to receive, through a network, a first set of information (See abstract;

column 3, lines 24-29, where "first set information" is read on "data packet");

a processor to: assemble the geographic location profile of the user based on the

first set of information (See abstract; column 3, lines 15-22; column 9, lines 48-59);

wherein the receiver, the machine-readable medium (See abstract; column 32,

lines 51-54, lines 65-67; column 33 lines 1-11), and the transmitter are coupled to the

processor, and wherein the geographic location profile of the user includes a

geographic location of interest to the user (See abstract; column 3, lines 16-23, lines 52-

55).

<u>Hancock et al.</u> does not teach a machine-readable medium to store a geographic

location profile of a user and a second set of information; select the second set of

information based on the geographic location profile of the user; and a transmitter to

send, through the network, the second set of information to a machine to be used by the

user.

<u>Gershman et al.</u> teaches a system, method and article of manufacture for a

mobile communication network utilizing a distributed communication network (See

abstract), in which he teaches a machine-readable medium to store a geographic

location profile of a user and a second set of information (See column 32, lines 9-16; column 29 lines 56-67; column 30, line 1; column 58, lines 44-54); select the second set of information based on the geographic location profile of the user (See abstract; column 58, lines 37-50); and a transmitter to send, through the network, the second set of information to a machine to be used by the user (See column 58, lines 44-54).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Hancock et al., to include a machine-readable medium to store a geographic location profile of a user and a second set of information; select the second set of information based on the geographic location profile of the user; and a transmitter to send, through the network, the second set of information to a machine to be used by the user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hancock et al., by the teachings of Gershman et al. because a machine-readable medium to store a geographic location profile of a user and a second set of information; select the second set of information based on the geographic location profile of the user; and a transmitter to send, through the network, the second set of information to a machine to be used by the user would allow to efficiently and effectively acquire user-specific knowledge from the user and utilize it to perform tasks on behalf of the user (See Gershman et al., column 2, lines 18-25).

As to claim 41, Hancock et al. teaches a machine-readable medium having

encoded information (See abstract), which when read and executed by a machine

causes a method comprising:

receiving, through a network, a first set of information (See abstract; column 3,

lines 24-29, where "first set information" is read on "data packet");

assembling a geographic location profile of a user based on the first set of

information (See abstract; column 3, lines 15-22; column 9, lines 48-59);

wherein the geographic location profile of the user includes a geographic location

of interest to the user (See abstract; column 3, lines 16-23, lines 52-55).

Hancock et al. does not teach selecting a second set of information based on the

geographic location profile of the user; and sending, through the network, the second

set of information to a machine to be used by the user; wherein the geographic location

profile of the user and the second set of information are stored on a machine-readable

medium.

Gershman et al. teaches a system, method and article of manufacture for a

mobile communication network utilizing a distributed communication network (See

abstract), in which he teaches selecting a second set of information based on the

geographic location profile of the user (See abstract; column 58, lines 37-50); and

sending, through the network, the second set of information to a machine to be used by

the user (See column 58, lines 44-54); wherein the geographic location profile of the

user and the second set of information are stored on a machine-readable medium (See

column 32, lines 9-16; column 29 lines 56-67; column 30, line 1; column 58, lines 44-54).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Hancock et al., to include a machine-readable medium to store a geographic location profile of a user and a second set of information; select the second set of information based on the geographic location profile of the user; and a transmitter to send, through the network, the second set of information to a machine to be used by the user.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hancock et al., by the teachings of Gershman et al. because a machine-readable medium to store a geographic location profile of a user and a second set of information; select the second set of information based on the geographic location profile of the user; and a transmitter to send, through the network, the second set of information to a machine to be used by the user would allow to efficiently and effectively acquire user-specific knowledge from the user and utilize it to perform tasks on behalf of the user (See Gershman et al., column 2, lines 18-25).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mellissa M. Chojnacki whose telephone number is 730-305-8769. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Mmc
July 15, 2004

SAM RIMELL
PRIMARY EXAMINER